

REMARKS

Preliminary Note

By this amendment claims 1-5 and 11 are amended. Claims 1, 2, 4 and 5 are amended in accordance with the Examiner's suggestions. Claim 3 is amended to simplify and to more clearly indicate claimed subject matter. No issue of new matter arises.

"Double-Patenting" Rejection

Applicants acknowledge the presence of a non-statutory obviousness-type double patenting rejection. However, since no claims are deemed allowed, the final form and the propriety of the rejection cannot be known. Upon indication of allowed subject matter, Applicants will take appropriate actions to overcome or obviate this rejection.

Rejection under 35 U.S.C. § 112, first paragraph.

Written Description/enablement.

Claims 1-5, 9-14, 16-21, and 23 stand rejected under 35 U.S.C. § 112, first paragraph. The Examiner suggested amending "F" as a means for obviating this rejection. The claims are accordingly amended. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection under 35 U.S.C. §112, second paragraph

Indefiniteness.

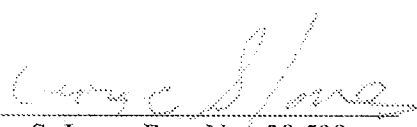
Claims 3, 4, 5 and 21 were rejected under 35 U.S.C. §112, second paragraph relating to various acronyms from which nucleic acids are derived. Claim 3 is amended to clarify the source of the nucleic acids. While the Office Action contains language implying that the recitations intend specific nucleic acid sequences, Applicants respond that while one or more sequences might be cited as examples of these gene fragments, the specific sequences are not claimed. The claim recitations refer to specific portions of specific genes that are well known

in the art. Since the functions are well known in the art, recitation of the function and the gene and organism are sufficient information for the skilled artisan to comprehend the metes and bounds of the claimed subject matter. Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. Allowance of the claims is thereby respectfully solicited. The Examiner is invited to contact the undersigned representative by telephone at the telephone number listed below to discuss any aspect of this response.

Respectfully submitted,



George S. Jones, Reg. No., 38,508
Attorney/Agent for Applicant

sanofi-aventis U.S. LLC
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3776
Telefax (908) 231-2626
Docket No. DEAV2001/0009